

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF WEST VIRGINIA**

In Corwin Place LLC
Re: Debtor(s)

Case No.: 1:16-bk-00750

**ORDER CONVERTING CASE UNDER CHAPTER 11 TO CASE UNDER CHAPTER 7
AND NOTICE TO CREDITORS AND OTHER PARTIES IN INTEREST**

The Court has determined to convert this case to one under Chapter 7 of the Bankruptcy Code.

Therefore, it is hereby

ORDERED that the Chapter 11 case of the above-captioned debtor is converted to a case under Chapter 7. It is **FURTHER ORDERED** that the Debtor or Chapter 11 trustee, whichever pertains, shall:

1. File and transmit to the United States Trustee within 30 days of the entry of this order a final report and account. Fed. R. Bankr. P. 1019 (5)(A)(ii).
2. Forthwith, on demand, and after the qualification of or assumption of duties by the Chapter 7 trustee, turn over to the Chapter 7 trustee all records and property of the estate in the possession or control of the Debtor or Chapter 11 trustee. Fed. R. Bankr. P. 1019(4).
3. File within 14 days after entry of this Order, if the debtor has not already done so in the Chapter 11 case:
 - (A) lists, inventories, schedules, and statement of financial affairs as required by Fed. R. Bankr. P. 1007. Any such document filed in the Chapter 11 case is deemed filed in the Chapter 7 case;
 - (B) amended schedules I and J, if the debtor's income and/or expenses have changed between the filing of the Chapter 11 petition and the entry of this Order;
 - (C) amended schedules as necessary to reflect the loss/acquisition of property of the estate between the filing of the Chapter 11 petition and the date of this order converting the case to one under Chapter 7;
 - (D) a schedule of unpaid debts incurred after the filing of the petition and before conversion of the case, including the name and address of each holder of a claim. The debtor or debtor's counsel shall serve upon each of these creditors a copy of the Notice of Bankruptcy Case Filing and the Meeting of Creditors. This notice must include all nine digits of the debtor's social security number. The debtor or debtor's attorney shall file a certificate of service with the Clerk evidencing service of the above documents; and
 - (E) a schedule of executory contracts and unexpired leases entered into or assumed after the filing of the Chapter 11 petition, but before entry of this Order.
4. File a Statement of Intention in conformity with Official Form B8 within 30 days after entry of this Order, or before the date first set for the meeting of creditors in the converted case, whichever is earlier.
5. File a statement of completion of a course concerning personal financial management. If the Debtor has not already filed a statement of completion of a course concerning personal financial management, prepared as prescribed by the appropriate Official Form, the Debtor is notified, pursuant to Fed. R. Bankr. P. 5009(b), that the case will be closed without the entry of discharge unless the statement is filed no later than 60 days after the first date set for the meeting of creditors under §341.
6. The debtor, if applicable, shall continue payment of the filing fee in installments on or before the dates set forth in the Order Approving Payment of Filing Fees In Installments previously entered in the Bankruptcy case.

Notice to Creditors and Other Parties in Interest

7. Unless a pre-bankruptcy default has been fully cured in the Chapter 11 case, the existing default shall have the effect given to it by applicable non-bankruptcy law in the converted case.
8. A new time period for: filing a motion under 11 U.S.C. §707(b) or (c), objecting to a claim of exemption, filing claims, filing a complaint objecting to discharge, or filing a complaint to determine dischargeability of any debt shall commence in accordance with Fed. R. Bankr. P. 1017, 1019(2), 3002, 4004, or 4007.
9. All claims filed by creditors before conversion are deemed filed in the Chapter 7 case. A non-administrative expense claim against the debtor that arose after the filing of the petition and before entry of this Order shall be treated as if such claim had arisen immediately before the date of the filing of the petition, and may be filed in accordance with Fed. R. Bankr. P. 3001(a-d) and 3002.
10. Any request for payment of a pre-conversion administrative expense incurred by any entity other than a governmental unit is timely filed if it is filed within 90 days of the date first set for the meeting of creditors in this converted case. A governmental unit's request for payment of a pre-conversion administrative expense is timely if it

is filed within 180 days of the entry of this Order. No. 1:16-bk-00750 Doc 201 Filed 12/29/17 Entered 12/29/17 14:48:41 Page 2 of 2

11. The conversion of this case to Chapter 7 does not terminate pending motions. On conversion, every effort should be made to inform the case trustee of the status of a pending motion. In the event that the trustee has inadequate time to respond to a pending motion due to the conversion of the case, the court may delay entry of a proposed order, or grant relief to the trustee from the order under Fed. R. Bankr. P. 9023 and/or 9024.

12. Notwithstanding the above paragraph, any pending proposed disclosure statement and/or Chapter 11 plan, objections thereto, and any motion to dismiss the Chapter 11 case are denied as moot, and further action on those matters may be terminated by the Clerk's office.

Appointment of a Chapter 7 Trustee

13. The Chapter 7 Trustee appointed to administer this Chapter 7 estate is: Thomas H. Fluharty.

14. Within 14 days of being appointed, the Chapter 7 trustee shall file a notice of substitution of party in any pending adversary proceeding brought by or against the Chapter 11 debtor in possession and/or the Chapter 11 trustee on behalf of the bankruptcy estate.

DATED: December 29, 2017

Patrick M. Flatley

U.S. Bankruptcy Judge